

ORDINANCE No. 187086

Consent to the transfer of Weisenfluh Sanitary Services LLC residential solid waste, recycling and composting collection franchise to Portland Disposal and Recycling, Inc. (Ordinance)

The City of Portland ordains:

Section 1 the Council finds that:

1. In 2012, the Council approved Ordinance No. 185830 granting a residential solid waste, recycling and composting collection franchise to Weisenfluh Sanitary Services LLC. This franchise establishes terms and conditions for the delivery of residential solid waste, recycling and composting collection services within a specific geographic territory of the city.
2. Portland City Charter Section 10-216 provides that no franchise shall be sublet or assigned, nor shall any of the franchise rights or privileges be leased, assigned, sold or transferred, without the consent of the City expressed by non-emergency ordinance. Under Section 14.1(A) of the franchise, the grantee agrees not to sell, lease, mortgage, assign, merge or otherwise transfer the franchise without the prior written consent of the City.
3. Weisenfluh Sanitary Services LLC and Portland Disposal and Recycling, Inc. submitted a subcontract agreement to the Bureau of Planning and Sustainability whereby Portland Disposal and Recycling assumed all operations, including collection services, customer relations and billing, etc. for all residential, multifamily and commercial customers previously serviced by Weisenfluh Sanitary Services LLC. This subcontract agreement was approved by the City and became effective on January 1, 2015.
4. Weisenfluh Sanitary Services LLC has notified the Bureau of Planning and Sustainability of their decision to transfer their franchise to Portland Disposal and Recycling, Inc. effective 30 days after passage of this Ordinance. Weisenfluh Sanitary Services requests City consent of the franchise transfer.
5. In accordance with Section 14.1(B) of the solid waste franchise, City staff have reviewed the proposed transfer, and determined that the successor company will have the technical, legal and financial resources to adequately perform all obligations under the franchise. Staff recommends that the Council consent to the franchise transfer.

NOW THEREFORE, the Council directs:

- a. Pursuant to the City Charter and Section 14 of Ordinance No. 185830, consent is hereby given to the transfer of the franchise from ownership of Weisenfluh Sanitary Service LLC to Portland Disposal and Recycling, Inc..
- b. Within ten days of the completion of the corporate transaction, Portland Disposal and Recycling, Inc. shall file written notice of the transfer with the Bureau of Planning and Sustainability, in accordance with Section 14.1(A) of Ordinance No. 185830.

- c. Within ten business days after this ordinance is accepted, Portland Disposal and Recycling, Inc. shall file in the Office of the Auditor of the City of Portland a written acceptance, executed by a duly authorized representative, acceptable as to form by the City Attorney. Such acceptance shall be unqualified and shall be construed to be an acceptance by Portland Disposal and Recycling, Inc. of all the terms, conditions and restrictions of this ordinance. Any failure to file such written acceptance within such time shall be deemed an abandonment and rejection of the rights and privileges conferred hereby and this ordinance shall thereupon be null and void.

Passed by the Council: APR 15 2015

Mayor Charlie Hales

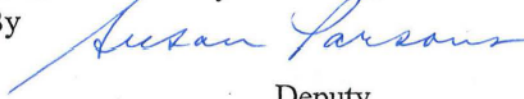
Prepared by: Kevin Veaudry Casaus

Date Prepared: March 9, 2015

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

3140

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Agenda No.
ORDINANCE NO. 187086
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Hales	CLERK USE: DATE FILED <u>APR 03 2015</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: BPS <i>Michael Armstrong</i> Bureau Head: <i>Susan Anderson</i> <i>[Signature]</i> Prepared by: Kevin Veaudry Casaus Date Prepared: March 16, 2015	ACTION TAKEN: APR 08 2015 PASSED TO SECOND READING APR 15 2015 9:30 A.M.
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i>	
Council Meeting Date April 8, 2015	

AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)		YEAS	NAYS
CONSENT <input checked="" type="checkbox"/>	1. Fritz	1. Fritz <i>[check]</i>	
REGULAR <input type="checkbox"/>	2. Fish	2. Fish <i>[check]</i>	
Total amount of time needed: _____ (for presentation, testimony and discussion)	3. Saltzman	3. Saltzman <i>[check]</i>	
	4. Novick	4. Novick <i>[check]</i>	
	Hales	Hales <i>[check]</i>	